

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/38118

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A01N 37/34, 43/58

US CL : 504/101,137,141,236,310; 514/241, 520

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 504/101,137,141,236,310; 514/241, 520

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Merck Index

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
Please See Continuation Sheet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5,346,704 A (LAJOIE) 13 September 1994. See columns 3-5.	1-45
A	US 6,149,927 A (GHOSH) 21 November 2000. See columns 2-4.	1-45
A	US 5,622,658 A (LLOYD et al) 22 April 1997. See columns 2-4.	1-45
A	BECKER, HANK. "Fighting a Fungal Siege on Cacao Farms", Agricultural Research, November 1999, p. 4-8.	1-45

<input type="checkbox"/> Further documents are listed in the continuation of Box C.	<input type="checkbox"/> See patent family annex.
* Special categories of cited documents:	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier application or patent published on or after the international filing date	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&" document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

08 June 2004 (08.06.2004)

Date of mailing of the international search report

23 SEP 2004

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

S. Mark Clardy
Valerie Bell-Harrison

Telephone No. 571-272-1600

INTERNATIONAL SEARCH REPORT

PCT/US03/38118

Continuation of B. FIELDS SEARCHED Item 3:

WEST (USPAT, PGPUBS, DWPI, EPO, JPO): chlorothalonil, diquat, trichloromelamine, cetylpyridinium, chloramine, chlorendic anhydride, witch- broom, crinipellis, urea

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 02177.0003P1	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/38118	International filing date (day/month/year) 02 December 2003 (02.12.2003)	Priority date (day/month/year) 02 December 2002 (02.12.2002)
International Patent Classification (IPC) or national classification and IPC IPC: A01N 37/34(2007.01),43/58(2007.01) USPC: 504/101,137,141,236,310;514/241,520		
Applicant BYOCOAT LLC		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of ___ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01 July 2004 (01.07.2004)	Date of completion of this report 20 November 2006 (20.11.2006)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Sreeni Padmanabhan <i>Janice Ford</i> Telephone No. (571) 272-1600

I. Basis of the report1. With regard to the **elements** of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-7 as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the claims:
pages 8-12 as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☐ the drawings:
pages NONE as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
pages NONE as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. STATEMENT**

Novelty (N)	Claims <u>1-45</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-45</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-45</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-45 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the herein-claimed combination of antimicrobial agents, particularly at the herein-claimed concentrations.

Claims 1-45 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

PATENT COOPERATION TREATY

PCT

NOTE OF INFORMAL COMMUNICATION WITH THE APPLICANT

(PCT Rule 66.6)

International application No. PCT/US03/38118	Applicant's or agent's file reference 02177.0003P1	Date of informal communication (day/month/year) 20 November 2006 (20.11.2006)
Applicant BYOCOAT LLC		

<u>Communication</u> <input checked="" type="checkbox"/> by telephone <input type="checkbox"/> personal	<u>Participants</u> <input type="checkbox"/> Applicant: <input checked="" type="checkbox"/> Agent: Christopher Curfman <input checked="" type="checkbox"/> Examiner(s): Kevin Capps	<input type="checkbox"/> Identity checked	<input checked="" type="checkbox"/> authorization checked	<input type="checkbox"/> personally known
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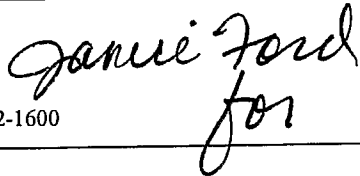
Summary of communication:

Upon the examiner's request, applicant agreed to proceed to the 409 stage for administrative purposes.

☐ An extension of time limit is granted (Form PCT/IPEA/427).

☒ A copy of this note is being sent to the applicant with Form PCT/IPEA/429.

PCT/IPEA/424.

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 Form PCT/IPEA/428 (July 1992)	Authorized officer Sreeni Padmanabhan Telephone No. (571) 272-1600 
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